

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICKEY LAY,

Plaintiff,

Case No.13-cv-13340  
HON. GERSHWIN A. DRAIN

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION (#11),  
GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT (# 10) AND  
DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT (# 9) AND  
DISMISSING ACTION**

This matter is before the court on the parties’ Cross-Motions for Summary Judgment as to Plaintiff Rickey Lay’s claim for judicial review of Defendant Commissioner of Social Security’s denial of his application for disability insurance benefits. The matter was referred to Magistrate Judge Charles E. Binder, who issued a Report and Recommendation on July 14, 2014, recommending that the Court grant Defendant’s Motion for Summary Judgment, deny Plaintiff’s Motion for Summary Judgment, and affirm the Commissioner’s findings. Neither party has filed objections to the Magistrate Judge’s Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. Therefore, the Court hereby ACCEPTS and ADOPTS Magistrate Judge Binder's July 14, 2014 Report and Recommendation [#11] as this Court's findings of fact and conclusions of law. Defendant's Motion for Summary Judgment [#10] is GRANTED. Plaintiff's Motion for Summary Judgment [#9] is DENIED.

This cause of action is dismissed.

SO ORDERED.

Dated: August 15, 2014

/s/Gershwin A Drain

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GERSHWIN A. DRAIN

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
August 15, 2014, by electronic and/or ordinary mail.

/s/ Tanya Bankston

Deputy Clerk